IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1749 OF 2005

IN

SECOND APPEAL (STAMP) NO. 18972 OF 2005

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. P. P. Bhosale for the Applicant.

Ms. Manisha Pant i/by M/s. Bhave & Co., for Respondent Nos.1, 2, 2(1) and 2(2).

CORAM: S.B.DESHMUKH, J.

DATE : 24TH AUGUST,2006

P.C.:

Heard learned Counsel appearing for the applicant as well as the learned Counsel appearing for respondent nos. 1, 2, 2(1) and 2(2).

2. The applicant, is challenging the judgment and decree passed by the first appellate court in Civil Appeal

No. 135 of 1998 in this second appeal. The applicant was not aware about the decision given by the first appellate court relating to Civil Appeal No. 135 of 1998. The advocate, appearing for the applicant before the first appellate court, did not inform the applicant. On perception, in the third week of June, 2005, the applicant obtained the certified copy and filed second appeal in this Court. According to the applicant, therefore, delay of 66 days, is caused in this process for filing the second appeal.

3. No reply is filed on behalf of the respondents controverting the statements made in paragraph nos. 5 and 6 of the civil application. I am satisfied that delay is properly explained by the applicant.

4. In this view of the matter, the delay of 66 days, occurred in filing

the second appeal in this Court, is condoned. The civil application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)